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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 SAMUEL LLANES-ROSALES

15 Defendant.

CASE NO. 07cr1556 JM

ORDER DENYING MOTION FOR
SPEEDY DISPOSITION AS
PREMATURELY FILED


16 Defendant Samuel Llanes-Rosales is presently serving the four-year custodial sentence
17 imposed in this case, with an anticipated release date of November 15, 2010. The present motion
18 seeks the speedy resolution of an immigration detainer lodged against him. (Motion Exh. C). While
19 the exhibits attached to the motion clearly indicate that an "Immigration Detainer" has been lodged
20 against him, id., one document indicates that the detainer was lodged against him because of a
21 "Supervised Release Violation." (Motion Exh. B). In the motion, Defendant expresses his desire to
22 be immediately removed from the country upon completion of his custodial sentence, without having
23 to first respond to the "Supervised Release Violation."

24 The court denies the motion as prematurely filed. To the extent a "Supervised Release
25 Violation" has occurred, the court notes that it cannot arise from this case because Defendant's term
26 of supervised release has yet to commence. In the event a detainer has been lodged against Defendant
27 because of a supervised release violation, Defendant should seek relief from the court that imposed
28 the term of supervised release.

1 In sum, the court denies the motion as prematurely filed because this court has not lodged a
2 supervised release detainer against Defendant.

3 **IT IS SO ORDERED.**

4 DATED: May 3, 2010

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6 Hon. Jeffrey T. Miller
United States District Judge

7 cc: All parties
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